

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 \* \* \*

4 UNITED STATES OF AMERICA,

Case No. 2:95-cr-0286-RFB

5 Plaintiff,

6 v.

**ORDER**

7 DEON LORENZO LYONS,

**On “Motion Under 18 U.S.C. § 3553(b)”**

8 Defendant.  
9  
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11 On January 11, 2016, Lyons filed the instant “Motion under 18 U.S.C. § 3553(b).” ECF.  
12 No. 274. In his motion, Lyons appears to be requesting that this Court modify or reduce his prison  
13 sentence based upon alleged mistreatment. The Court rejects this Motion for a few reasons. First,  
14 the Court finds that it does not have the authority under Section 3582(c) to reduce Lyons’ sentence  
15 based upon the allegations in his motion. Second, Lyons’ motion must be construed as a motion  
16 under 28 U.S.C. § 2241, since it is based upon a challenge to the conditions of his confinement.  
17 Hernandez v. Campbell, 204 F.3d 861, 865 (9th Cir. 2000). However, Lyons’ motion may not  
18 proceed under Section 2241, since he has not exhausted his administrative remedies as required.  
19 Martinez v. Roberts, 804 F.2d 570, 571 (9th Cir.1986). Finally, a Section 2241 petition must be  
20 brought in the district where the defendant is confined. Harrison v. Ollison, 519 F.3d 952, 956 (9th  
21 Cir. 2008). Lyons was not and is not confined in this District.

22 For the reasons stated,

23 **IT IS THEREFORE ORDERED** that the Motion (ECF No. 274) is DENIED.

24  
25 DATED this 4th day of June, 2018.

26 

27 RICHARD F. BOULWARE, II  
28 UNITED STATES DISTRICT JUDGE